



PUBLIC NOTICE

Jul 8 9 50 AM '99
Federal Communications Commission
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Washington, D.C. 20554

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DA 99-1331
Released: July 6, 1999

PETITION OF SMITH BAGLEY, INC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

PLEADING CYCLE ESTABLISHED CC Docket No. 96-45

Comment Date: July 27, 1999
Reply Comment Date: August 6, 1999

On December 29, 1997, the Commission released a public notice establishing the procedures the Commission will use to designate eligible telecommunications carriers pursuant to section 214(e)(6) of the Communications Act of 1934, as amended.¹ On June 2, 1999, Smith Bagley, Inc. submitted a petition seeking designation by the Commission as an eligible telecommunications carrier for those parts of its service area in Arizona and New Mexico that encompass federally reserved Native American lands. Smith Bagley contends that the Commission should grant its petition because it meets the requirements for designation and, as a commercial mobile radio service provider, it is not subject to the jurisdiction of a state commission to the extent it provides service to federally reserved Native American lands.²

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **July 27, 1999**, and reply comments on or before **August 6, 1999**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998). Comments should reference: Petition of Smith Bagley, Inc. for Designation as an Eligible Telecommunications Carrier, CC Docket No. 96-45, and should include the DA number shown on this Public Notice.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full

¹ *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, Public Notice*, FCC 97-419 (rel. Dec. 29, 1997), 63 Fed. Reg. 162 (Jan. 5, 1998).

² Smith Bagley, Inc., Petition for Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. § 214(e)(6), FCC 97-419 (filed Jun. 2, 1999).

name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Parties should also send three copies of their comments to Sheryl Todd, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-A523, Washington, D.C. 20554. Parties should send one copy of their comments to the Commission's copy contractor, International Transcription Service, 1231 20th Street, N.W., Washington, D.C. 20036. Copies of documents filed with the Commission, including the petition, may be obtained from the International Transcription Service, 1231 20th Street, N.W., Washington, D.C. 20037, (202) 857-3800. Documents are also available for review and copying at the FCC Reference Center, 445 12th St., SW, Washington, D.C., from 9:00 a.m. to 4:30 p.m.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 12th St., SW, Room 5-A523, Washington, DC 20554. Each such submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the lead docket number in this case (CC Docket No. 96-45)), and the type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase: "Disk Copy - Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

Pursuant to section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure. For further information, contact Mark Nadel, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400 or via e-mail: mnadel@fcc.gov.

-- Action by Accounting Policy Division --